

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 30, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1414**

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**Introduced by Assembly Member Hill**

February 27, 2009

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An act to amend ~~Section 11055~~ *Sections 11055 and 11058* of the Health and Safety Code, relating to controlled substances.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1414, as amended, Hill. Controlled Substances.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into ~~five~~ 5 designated schedules ~~and includes apomorphine~~, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law places apomorphine within Schedule II. ~~Under existing law, unlawful possession of apomorphine is a felony.~~ Existing law also provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program and requires every practitioner, other than a pharmacist, who prescribes or administers a Schedule II, Schedule III, or Schedule IV controlled substance to make a record of the transaction and provide the Department of Justice with information relating to the transaction on a monthly basis, as specified.

This bill would remove apomorphine from Schedule II, ~~as described above~~ and place it in Schedule V. By revising the penal provisions applicable to apomorphine, this bill would impose a state-mandated local program.

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 11055 of the Health and Safety Code is
- 2 amended to read:
- 3 11055. (a) The controlled substances listed in this section are
- 4 included in Schedule II.
- 5 (b) Any of the following substances, except those narcotic drugs
- 6 listed in other schedules, whether produced directly or indirectly
- 7 by extraction from substances of vegetable origin, or independently
- 8 by means of chemical synthesis, or by combination of extraction
- 9 and chemical synthesis:
- 10 (1) Opium, opiate, and any salt, compound, derivative, or
- 11 preparation of opium or opiate, with the exception of naloxone
- 12 hydrochloride (N-allyl-14-hydroxy-nordihydromorphinone
- 13 hydrochloride), but including the following:
- 14 (A) Raw opium.
- 15 (B) Opium extracts.
- 16 (C) Opium fluid extracts.
- 17 (D) Powdered opium.
- 18 (E) Granulated opium.
- 19 (F) Tincture of opium.
- 20 (G) Codeine.
- 21 (H) Ethylmorphine.
- 22 (I) Hydrocodone.
- 23 (J) Hydromorphone.
- 24 (K) Metopon.
- 25 (L) Morphine.

1 (M) Oxycodone.

2 (N) Oxymorphone.

3 (O) Thebaine.

4 (2) Any salt, compound, isomer, or derivative, whether natural  
5 or synthetic, of the substances referred to in paragraph (1), but not  
6 including the isoquinoline alkaloids of opium.

7 (3) Opium poppy and poppy straw.

8 (4) Coca leaves and any salt, compound, derivative, or  
9 preparation of coca leaves, but not including decocainized coca  
10 leaves or extractions which do not contain cocaine or ecgonine.

11 (5) Concentrate of poppy straw (the crude extract of poppy straw  
12 in either liquid, solid, or powder form which contains the  
13 phenanthrene alkaloids of the opium poppy).

14 (6) Cocaine, except as specified in Section 11054.

15 (7) Ecgonine, whether natural or synthetic, or any salt, isomer,  
16 derivative, or preparation thereof.

17 (c) Opiates. Unless specifically excepted or unless in another  
18 schedule, any of the following opiates, including its isomers, esters,  
19 ethers, salts, and salts of isomers, esters, and ethers whenever the  
20 existence of those isomers, esters, ethers, and salts is possible  
21 within the specific chemical designation, dextrorphan and  
22 levopropoxyphene excepted:

23 (1) Alfentanyl.

24 (2) Alphaprodine.

25 (3) Anileridine.

26 (4) Bezitramide.

27 (5) Bulk dextropropoxyphene (nondosage forms).

28 (6) Dihydrocodeine.

29 (7) Diphenoxylate.

30 (8) Fentanyl.

31 (9) Isomethadone.

32 (10) Levoalphacetylmethadol, also known as  
33 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM. This  
34 substance is authorized for the treatment of narcotic addicts under  
35 federal law (see Part 291 (commencing with Section 291.501) and  
36 Part 1308 (commencing with Section 1308.01) of Title 21 of the  
37 Code of Federal Regulations).

38 (11) Levomethorphan.

39 (12) Levorphanol.

40 (13) Metazocine.

- 1 (14) Methadone.
- 2 (15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 3 4-diphenyl butane.
- 4 (16) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 5 1-diphenylpropane-carboxylic acid.
- 6 (17) Pethidine (meperidine).
- 7 ( 1 8 ) P e t h i d i n e - I n t e r m e d i a t e - A ,
- 8 4-cyano-1-methyl-4-phenylpiperidine.
- 9 ( 1 9 ) P e t h i d i n e - I n t e r m e d i a t e - B ,
- 10 ethyl-4-phenylpiperidine-4-carboxylate.
- 11 ( 2 0 ) P e t h i d i n e - I n t e r m e d i a t e - C ,
- 12 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 13 (21) Phenazocine.
- 14 (22) Piminodine.
- 15 (23) Racemethorphan.
- 16 (24) Racemorphan.
- 17 (25) Sufentanyl.
- 18 (d) Stimulants. Unless specifically excepted or unless listed in
- 19 another schedule, any material, compound, mixture, or preparation
- 20 which contains any quantity of the following substances having a
- 21 stimulant effect on the central nervous system:
- 22 (1) Amphetamine, its salts, optical isomers, and salts of its
- 23 optical isomers.
- 24 (2) Methamphetamine, its salts, isomers, and salts of its isomers.
- 25 (3) Dimethylamphetamine (N,N-dimethylamphetamine), its
- 26 salts, isomers, and salts of its isomers.
- 27 (4) N-Ethylmethamphetamine (N-ethyl, N-methylamphetamine),
- 28 its salts, isomers, and salts of its isomers.
- 29 (5) Phenmetrazine and its salts.
- 30 (6) Methylphenidate.
- 31 (7) Khat, which includes all parts of the plant classified
- 32 botanically as Catha Edulis, whether growing or not, the seeds
- 33 thereof, any extract from any part of the plant, and every
- 34 compound, manufacture, salt, derivative, mixture, or preparation
- 35 of the plant, its seeds, or extracts.
- 36 (8) Cathinone (also known as alpha-aminopropiophenone,
- 37 2-aminopropiophenone, and norephedrone).
- 38 (e) Depressants. Unless specifically excepted or unless listed
- 39 in another schedule, any material, compound, mixture, or
- 40 preparation which contains any quantity of the following substances

1 having a depressant effect on the central nervous system, including  
2 its salts, isomers, and salts of isomers whenever the existence of  
3 those salts, isomers, and salts of isomers is possible within the  
4 specific chemical designation:

5 (1) Amobarbital.

6 (2) Pentobarbital.

7 (3) Phencyclidines, including the following:

8 (A) 1-(1-phenylcyclohexyl) piperidine (PCP).

9 (B) 1-(1-phenylcyclohexyl) morpholine (PCM).

10 (C) Any analog of phencyclidine which is added by the Attorney  
11 General by regulation pursuant to this paragraph.

12 The Attorney General, or his or her designee, may, by rule or  
13 regulation, add additional analogs of phencyclidine to those  
14 enumerated in this paragraph after notice, posting, and hearing  
15 pursuant to Chapter 3.5 (commencing with Section 11340) of Part  
16 1 of Division 3 of Title 2 of the Government Code. The Attorney  
17 General shall, in the calendar year of the regular session of the  
18 Legislature in which the rule or regulation is adopted, submit a  
19 draft of a proposed bill to each house of the Legislature which  
20 would incorporate the analogs into this code. No rule or regulation  
21 shall remain in effect beyond January 1 after the calendar year of  
22 the regular session in which the draft of the proposed bill is  
23 submitted to each house. However, if the draft of the proposed bill  
24 is submitted during a recess of the Legislature exceeding 45  
25 calendar days, the rule or regulation shall be effective until January  
26 1 after the next calendar year.

27 (4) Secobarbital.

28 (5) Glutethimide.

29 (f) Immediate precursors. Unless specifically excepted or unless  
30 listed in another schedule, any material, compound, mixture, or  
31 preparation which contains any quantity of the following  
32 substances:

33 (1) Immediate precursor to amphetamine and methamphetamine:

34 (A) Phenylacetone. Some trade or other names: phenyl-2  
35 propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.

36 (2) Immediate precursors to phencyclidine (PCP):

37 (A) 1-phenylcyclohexylamine.

38 (B) 1-piperidinocyclohexane carbonitrile (PCC).

39 *SEC. 2. Section 11058 of the Health and Safety Code is*  
40 *amended to read:*

1 11058. (a) The controlled substances listed in this section are  
2 included in Schedule V.

3 (b) Schedule V shall consist of the drugs and other substances,  
4 by whatever official name, common or usual name, chemical name,  
5 or brand name designated, listed in this section.

6 (c) Narcotic drugs containing nonnarcotic active medicinal  
7 ingredients. Any compound, mixture, or preparation containing  
8 any of the following narcotic drugs, or their salts calculated as the  
9 free anhydrous base or alkaloid, in limited quantities as set forth  
10 below, which shall include one or more nonnarcotic active  
11 medicinal ingredients in sufficient proportion to confer upon the  
12 compound, mixture, or preparation valuable medicinal qualities  
13 other than those possessed by narcotic drugs alone:

14 (1) Not more than 200 milligrams of codeine per 100 milliliters  
15 or per 100 grams.

16 (2) Not more than 100 milligrams of dihydrocodeine per 100  
17 milliliters or per 100 grams.

18 (3) Not more than 100 milligrams of ethylmorphine per 100  
19 milliliters or per 100 grams.

20 (4) Not more than 2.5 milligrams of diphenoxylate and not less  
21 than 25 micrograms of atropine sulfate per dosage unit.

22 (5) Not more than 100 milligrams of opium per 100 milliliters  
23 or per 100 grams.

24 (6) Not more than 0.5 milligram of difenoxin and not less than  
25 25 micrograms of atropine sulfate per dosage unit.

26 (d) *Apomorphine.*

27 ~~(e)~~

28 (e) *Buprenorphine.*

29 *SEC. 3. No reimbursement is required by this act pursuant to*  
30 *Section 6 of Article XIII B of the California Constitution because*  
31 *the only costs that may be incurred by a local agency or school*  
32 *district will be incurred because this act creates a new crime or*  
33 *infraction, eliminates a crime or infraction, or changes the penalty*  
34 *for a crime or infraction, within the meaning of Section 17556 of*  
35 *the Government Code, or changes the definition of a crime within*  
36 *the meaning of Section 6 of Article XIII B of the California*  
37 *Constitution.*